

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ERIKA HERREJON MOLINA,

Plaintiff,

v.

ERIC S. COHAN, *et al.*

Defendants.

Case No. 1:22-cv-01148-ADA-CDB

ORDER ON STIPULATION FOR SECOND
EXTENSION OF TIME *NUNC PRO TUNC*
FOR DEFENDANTS TO RESPOND TO
THE COMPLAINT

(Doc. 12)

ORDER RESETTING SCHEDULING
CONFERENCE

Plaintiff Erika Herrejon Molina (“Plaintiff”) filed a Complaint against Defendants Eric S. Cohan, Stephanie Syptak-Ramnath, and Antony Blinken (“Defendants”) on September 8, 2022. (Doc. 1). On November 21, 2022, the parties filed their first request for extension of time for Defendants to respond to the complaint. (Doc. 10). The Court issued an order extending Defendants’ time to file an answer or other responsive pleading by January 20, 2023. (Doc. 11).

Currently before the Court is the parties’ second request for an extension of time for Defendants to respond to the complaint. (Doc. 12). Plaintiff does not oppose the stipulation. *Id.* Defendants filed the stipulation for an extension of time on the due date for Defendants to file a response to Plaintiff’s Complaint. *Id.*

Requests for extensions of time in the Eastern District of California are governed by Local

Rule 144, which provides: “Counsel shall seek to obtain a necessary extension from the Court or from other counsel or parties in an action as soon as the need for an extension becomes apparent.” L.R. 144(d).

Here, given Counsel for Defendants’ representations about the reasons Defendants seek an extension of time (to wit, “undersigned is working with the U.S. Department of State to resolve the administrative processing” (Doc. 12)), it should have become apparent before the due date for Defendants to file a response to the Complaint that such an extension was needed, and, hence, under Local Rule 144, Defendants were required to file their current request for extension of time before now.

The Court disfavors granting *nunc pro tunc* relief and directs Defendants to exercise better care in anticipating any future requests for extensions of time and filing such requests well before the terminal filing date that Defendants seek to extend. However, under the circumstances, Defendants have demonstrated good cause for the extension.

Accordingly, for the reasons set forth in the parties’ stipulation and for good cause shown, IT IS HEREBY ORDERED:

1. Defendants shall file an answer or other dispositive pleading by February 20, 2023;
2. The initial scheduling conference set for February 9, 2023, at 9:30 AM before the undersigned is continued to March 21, 2023, at 10:00 AM. The parties shall appear at the conference remotely via Zoom video conference, and counsel may obtain the Zoom ID and password from the Courtroom Deputy prior to the conference. The parties are reminded to file consent/decline forms of Magistrate Judge jurisdiction and of their obligation to file a joint scheduling report at least one week prior to the conference. (Doc. 4). The joint scheduling report shall also be e-mailed, in Word format, to CDBorders@caed.uscourts.gov.

IT IS SO ORDERED.

Dated: January 20, 2023


UNITED STATES MAGISTRATE JUDGE